

### **REMARKS**

The Official Action mailed October 26, 2011, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on July 14, 2006; August 21, 2006; August 18, 2009; March 2, 2011 and June 22, 2011.

A further Information Disclosure Statement was submitted on April 25, 2011, and consideration of this Information Disclosure Statement is respectfully requested.

Claims 2, 4-6, 14-16, 19-21, 24-26, 29-31, 33, 35-37 and 40-42 are pending in the present application, of which claims 2 and 5-6 are independent. Claims 2, 4, 6, 14-16, 19-21, 24-26, 29-31 and 35-37 have been amended to better recite the features of the present invention. The Applicant notes with appreciation the indication of the allowance of claims 5, 15, 20, 25, 30, 36 and 41. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 2, 4, 6, 14, 16, 19, 21, 24, 26, 29, 31, 33, 35, 37, 40 and 42 as obvious based on U.S. Patent No. 6,497,371 to Kayanakis. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second,

there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claim 2 has been amended to recite a substrate having a groove; a circuit capable of storing information described on the substrate; and an antenna in the groove, the antenna being connected to the circuit, supported in the original specification, at least, by page 39, line 19, to page 40, line 1. Independent claim 6 has been amended to recite a substrate; a circuit capable of storing information described on the substrate; a first antenna on a top surface of the substrate; and a second antenna on a bottom surface of the substrate, wherein the first antenna is electrically connected to the second antenna through an opening of the substrate, and wherein the first antenna and the second antenna are electrically connected to the circuit. These features are supported in the original specification, at least, by Figures 9A to 9C and page 40, lines 2-13. It is respectfully submitted that Kayanakis does not teach or suggest the above-referenced features of the present invention.


Since Kayanakis does not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and

withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,

  
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Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
3975 Fair Ridge Drive,  
Suite 20 North  
Fairfax, Virginia 22033  
(571) 434-6789